

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO SENTENCING MINUTE SHEET – TO BE CONTINUED & RESET													
CR No: 15-3762 JH				USA vs.: Ali									
Date: May 10, 2018				Name of Deft: Nael Ali									
Before the Honorable: Judith C. Herrera													
Time In/Out:		10:31 A.M. – 12:50 P.M.				Total Time in Court (for JS10):				2 hours + 19 minutes (Continued Evidentiary Sentencing)			
Clerk:		I.Duran				Court Reporter:				P.Baca			
AUSA:		Kris Houghton & Sean Sullivan				Defendant's Counsel:				Jerry D. Herrera			
Sentencing in:		Albuquerque, NM				Interpreter:				None			
Probation Officer:		Melissa Pedraza				Interpreter Sworn?				<input type="checkbox"/> Yes		<input type="checkbox"/> No	
Convicted on:		<input checked="" type="checkbox"/> Plea	<input type="checkbox"/> Verdict	As to:		<input checked="" type="checkbox"/> Information	<input type="checkbox"/> Indictment						
If Plea:		<input type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted	Adjudged/Found Guilty on Counts: 1 & 2									
If Plea Agreement:		<input type="checkbox"/> Accepted	<input type="checkbox"/> Not Accepted	<input type="checkbox"/> No Plea Agreement		Comments:							
Date of Plea/Verdict:		10/18/2017		PSR:		<input type="checkbox"/> Not Disputed		<input type="checkbox"/> Disputed		Courts adopts PSR Findings			
Evidentiary Hrg:		<input type="checkbox"/> Not Needed		<input type="checkbox"/> Needed		Exceptions to PSR:							
SENTENCE IMPOSED				Imprisonment (BOP):									
Supervised Release:										Probation:			
REC		<input type="checkbox"/> 500-Hour Drug Program		<input type="checkbox"/> BOP Sex Offender Program		Other:							
ICE		<input type="checkbox"/> Court recommends ICE begin removal proceedings immediately or during service of sentence								<input type="checkbox"/> ICE not applicable			
SPECIAL CONDITIONS OF SUPERVISION													
<input type="checkbox"/> No re-entry without legal authorization				<input type="checkbox"/> Home confinement for _____ months _____ days									
<input type="checkbox"/> Comply with ICE laws and regulation				<input type="checkbox"/> Community service of 60 hours									
<input type="checkbox"/> Participate in/successfully complete subst abuse program/testing				<input type="checkbox"/> Reside halfway house _____ months _____ days									
<input type="checkbox"/> Participate in/successfully complete mental health program				<input type="checkbox"/> Register as sex offender									
<input type="checkbox"/> Refrain from use/possession of alcohol/intoxicants				<input type="checkbox"/> Participate in sex offender treatment program									
<input type="checkbox"/> Must provide accurate & lawful income tax returns, etc.				<input type="checkbox"/> Possess no sexual material									
<input type="checkbox"/> No contact with co-defendant(s) or co-conspirator(s)				<input type="checkbox"/> No computer with access to online services									
<input type="checkbox"/> No entering or loitering near victim's residence				<input type="checkbox"/> No contact with children under 18 years									
<input type="checkbox"/> Provide financial information				<input type="checkbox"/> No volunteering where children supervised									
<input type="checkbox"/> Grant limited waiver of confidentiality				<input type="checkbox"/> Restricted from occupation with access to children									
<input type="checkbox"/> Refrain from use and possession of synthetic cannabinoids, etc.				<input type="checkbox"/> No loitering within 100 feet of school yards									
<input type="checkbox"/> No possession of a firearm, ammunition, destructive device or any other dangerous weapon				<input type="checkbox"/> Participate in an educational or vocational program approved by the Probation Officer									
OTHER:													
Fine: \$						Restitution: \$							
SPA: \$						Payment Schedule:		<input type="checkbox"/> Due Immediately		<input type="checkbox"/> Waived			
OTHER:													
<input type="checkbox"/> Advised of Right to Appeal		<input type="checkbox"/> Waived Appeal Rights per Plea Agreement											
<input type="checkbox"/> Held in Custody		<input type="checkbox"/> Voluntary Surrender											
Recommended place(s) of incarceration:													
Dismissed Counts:													
Govt. states his appearance for the record & introduces various people present in court today. Both Defense counsel enter their appearances for the record.													
OTHER COMMENTS:													

Ct. makes inquiry. Govt. states that several witnesses will be called (Noel Wagner, Liz Wallace, Pamela Phillips, Ira Wilson & Tanya Rafael).

10:35 A.M. Govt. (Mr. Sullivan) calls Elizabeth Nancy Wallace.

10:35 A.M. **Witness Elizabeth Nancy Wallance SWORN.**

10:37 A.M. Direct examination by Govt.

10:44 A.M. Defense counsel Mr. Herrera makes objection.

10:44 A.M. Ct. sustains objection.

10:44 A.M. Defense counsel Mr. Herrera makes objection.

10:45 A.M. Govt. responds.

10:45 A.M. Ct. overrules objection.

10:45 A.M. Direct examination continues by Govt.

10:49 A.M. Cross examination by Defense by Mr. Herrera

10:51 A.M. Cross examination by defense Ms. Rivas

10:51 A.M. Re-direct examination by Govt. (Mr. Sullivan)

10:52 A.M. Witness Excused.

10:53 A.M. Defense calls Witness Noel Wagner.

10:53 A.M. **Witness Noel Wagner SWORN.**

10:53 A.M. Direct examination by Govt. (Mr. Houghton).

10:58 A.M. Govt's Exhibit #1 shown on ELMO. Govt. admits Exhibit #1.

10:58 A.M. No objection by defense counsel on behalf of Ali & Manasra

10:58 A.M. **Ct. admits Exhibit #1.**

11:02 A.M. Direct examination continues by Govt. (Mr. Houghton).

11:06 A.M. Govt. moves to admit Exhibit #2

11:06 A.M. No objection by defense counsel on behalf of Ali & Manasra

11:06 A.M. **Ct. admits Exhibit #2**

11:06 A.M. Govt. Mr. Houghton continues direct examination.

11:10 A.M. Govt. introduces Exhibit #3 & moves for admission.

11:10 A.M. Defense counsel on behalf of Ali & Manasra have no objection to admission.

11:10 A.M. **Ct. admits Exhibit #3.**

11:11 A.M. Govt continues direct examination

11:17 A.M. Defense counsel makes objection.

11:17 A.M. Ct. makes inquiry.

11:17 A.M. Govt. responds.

11:18 A.M. Ct. directs Govt's counsel to lay foundation.

11:18 A.M. Govt. continues direct examination.

11:18 A.M. Defense counsel makes objection.

11:18 A.M. Ct. allows testimony.

11:18 A.M. Govt. continues direct examination.

11:24 A.M. Govt. introduces Exhibit #4 & moves to admission Exhibit #4

11:24 A.M. Defense Herrera objects to admission of Exhibit 4.

11:24 A.M. Defense Rivas takes no position.

11:25 A.M. Ct. calls bench conference with counsel.

11:33 A.M. **Ct. admits Exhibit #4**

11:33 A.M. Govt. plays recording of Exhibit #4.

11:41 A.M. Cross Examination by Defense counsel Mr. Herrera

11:49 A.M. No questions by Ms. Rivas.

11:49 A.M. Ct. makes inquiry re: timing of hearing.

11:50 A.M. Govt. responds. Govt. calls Witness Tanya June Rafael.

11:51 A.M. **Witness Tanya June Rafael SWORN.**

11:51 A.M. Direct examination by Govt. Mr. Sullivan.

11:56 A.M. Defense counsel Herrera makes objection.

11:56 A.M. Ct. overrules objection.

11:56 A.M. Direction examination continues.

11:57 A.M. Cross-examination by defense counsel Mr. Herrera.

11:58 A.M. Witness excused.

11:58 A.M. Defense counsel Herrera addresses the Court.

11:58 A.M. Govt. calls Pamela Phillips.

11:59 A.M. **Witness Pamela Jean Phillips SWORN.**

11:59 A.M. Direct examination by Govt. (Mr. Houghton).

12:03 P.M. Defense counsel Herrera makes objection.

12:04 P.M. Ct. makes inquiry.
12:04 P.M. Govt. responds to the Court.
12:04 P.M. Defense counsel replies.
12:05 P.M. Ct. addresses the parties.
12:07 P.M. Govt. responds.
12:08 P.M. Ct. addresses the parties.
12:08 P.M. Direct examination continues.
12:10 P.M. Defense counsel Herrera makes objection.
12:10 P.M. Ct. makes inquiry of Ms. Rivas
12:11 P.M. Defense counsel Rivas responds to the Court.
12:12 P.M. Govt's counsel Houghton continues direct examination.
12:19 P.M. Cross-examination by defense counsel Mr. Herrera.
12:28 P.M. Cross-examination by defense counsel Ms. Rivas.
12:31 P.M. Govt. calls Ira Wilson.
12:31 P.M. **Witness Ira T. Wilson SWORN.**
12:31 P.M. Direct examination by Govt. (Mr. Sullivan)
12:39 P.M. Cross-examination by Defense counsel Herrera
12:43 P.M. Ct. makes inquiry of witness.
12:44 P.M. Witness responds.
12:46 P.M. Witness excused.

12:48 P.M. Based on scheduling, the Court will continue sentencing as to Nael Ali.
12:49 P.M. Ct. will hold sentencing today as to Mohammad Manasra.
12:49 P.M. Govt. addresses the Court & tenders Exhibit 1 – 4.
12:50 P.M. Ct. in recess & will reconvene at 2:00 P.M. as to Defendant Manasra.
Ct. will reset sentencing as to Defendant Ali for a later date.